

Kerry S. Culpepper, HI Bar No. 9837, *pro hac vice*
Culpepper IP, LLC
75-170 Hualalai Road, Suite B204
Kailua Kona, HI 96740
Tel: 808-464-4047
Fax: 202-204-5181
kculpepper@culpepperip.com

Matthew Laurence Rollin (State Bar No. 332631)
SRIPLAW
8730 Wilshire Boulevard
Suite 350
Beverly Hills, California 90211
Tel: (323) 364-6565
jonah.grossbardt@sriplaw.com
Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Originating Case: *After II Movie LLC., et al., v. Grande Communications Networks LLC*, No. 1:21-cv-709 (W.D.TX)

In re Subpoena to:

Reddit, Inc.

Case No.: 3:23-mc-80173-LB
Hearing Date: n/a
Time: n/a

**OPPOSITION TO NON-PARTY REDDIT'S
ADMINISTRATIVE MOTION**

OPPOSITION TO NON-PARTY REDDIT'S ADMINISTRATIVE MOTION

Voltage Holdings, LLC ("Voltage"), Screen Media Ventures, LLC ("SMV"), Killing Link Distribution, LLC ("Killing Link"), Family of the Year Productions, LLC ("Family of the Year") and Laundry Films, Inc. ("Laundry") (collectively, "Movants"), by and through their counsel, pursuant to Civ. L.R. 7.11(b), file their Opposition to the Administrative Motion of non-party REDDIT, INC. ("Reddit") for a determination that a miscellaneous action recently filed in this District, *In re Subpoena to Reddit, Inc.*, No. 3:24-mc-80005-TSH (N.D. Cal.) is related to the above-captioned **closed** matter in which the underlying case *After II Movie LLC., et al., v. Grande*

1 *Communications Networks LLC*, No. 1:21-cv-709 (W.D.TX) is also closed. As explained below,
 2 Reddit's motion should be denied because the parties are different, the subject matter of the
 3 subpoenas are different and the underlying cases are different (and in different districts).

4 **I. INTRODUCTION**

5 1. In this closed matter, Plaintiffs in the underlying case *After II Movie LLC., et al., v. Grande*
 6 *Communications Networks LLC*, No. 1:21-cv-709 ("*Grande*") motion for an order compelling
 7 Reddit to comply with a subpoena to produce identification information for certain subscribers.
 8 See Doc. #1, ¶10 (subpoena requested: "... account information including IP address registration
 9 and logs from 1/1/2016 to present, name, email address and other account registration information
 10 for users..."). The underlying case *Grande* sought to hold the Internet service provider ("ISP")
 11 Grande secondarily liable for its subscribers' copyright infringement of Plaintiffs' movies and
 12 violations of the integrity of copyright management information ("CMI") in the movies. On July
 13 29, 2023, Your Honor denied the motion. See Doc. #21, p5 ("...disclosure of anonymous users'
 14 identities is appropriate only "in the exceptional case where the compelling need for the discovery
 15 sought outweighs the First Amendment rights of the anonymous speaker"""). On Oct. 30, 2023,
 16 the Western District of Texas issued an order closing the underlying case. See Ex. "1".

17 2. In *In re Subpoena to Reddit, Inc.*, No. 3:24-mc-80005-TSH (N.D. Cal.) (the "latter case"),
 18 different parties (Voltage, SMV, Killing Link, Family of the Year and Laundry)¹ moved for and
 19 Order in this Court compelling Reddit to comply with a subpoena issued in a Bankruptcy Action *In*
 20 *re: Frontier Commc'ns Corp.*, Case No. 20-22476-MG ("*Frontier*") in the Bankruptcy Court of
 21 the Southern District of New York. These different parties are among claimants in a declared
 22 contested proceeding that filed proofs of claims seeking to hold not Grande, but a different ISP
 23
 24
 25
 26
 27

28 ¹ Killing Link, Family of the Year and Laundry filed a notice of joinder to the motion on 1/19/2024

Frontier secondarily liable for its subscribers' copyright infringements and violations of the integrity of CMI. Further, the subpoena at issue in the latter case does not request any information pertaining to the Reddit users commenting on Grande that were at issue in this closed case, does not request user identities (name, email address and other account registration information for users as requested in this case with Your Honor quashed) but merely IP address log information of different Reddit users commenting on Frontier.

3. In the latter case, Judge Hixson already issued two orders on Jan. 10, 2024 pertaining to the motion to enforce the Frontier subpoena. Judge Hixson's second order states that "the bankruptcy court has already issued opinions related to the subject matter of the subpoena. Given the bankruptcy court's familiarity with this case, the Court finds transfer to that court may be appropriate" and requesting Reddit to state whether it consents to transfer to the Southern District of New York Bankruptcy Court. *See In re Subpoena to Reddit, Inc.*, No. 3:24-mc-80005-TSH (N.D. Cal.), Doc. #5. Reddit filed a response on Jan. 17, 2024 that fails to appreciate that Bankruptcy Courts have nationwide jurisdiction.

II. ARGUMENT

A. The latter case before Judge Hixson involves substantially different parties and property.

4. In the latter case, the Movants include Killing Link, Family of the Year and Laundry, three entities that are not parties to the present closed case. The opposing parties in the underlying cases for the latter case (Frontier) and the present closed case (Grande) are different. Further, the property (movies) of Killing Link, Family of the Year and Laundry were not at issue in this closed case.

B. The latter case before Judge Hixson involves a substantially different transaction or event.

5. In this closed case, the Movants requested identification information for certain Reddit's users who made comments about Grande. However, in the latter case before Judge Hixson, the Movants are not requesting identification information, but merely IP address log information from

1 Reddit for *different* users who commented about Frontier. Accordingly, the transaction or event
2 (subpoena) is different.

3 ***C. There will not be an unduly burdensome duplication of labor or expense because Judge***
4 ***Hixson has already issued orders in the latter case.***

5 6. As discussed above, there will be no duplication of legal analysis because the subpoena of
6 the latter case does not request identification information for Reddit users or even any information
7 for the Reddit users of the subpoena at issue in the present closed case. Nonetheless, assuming
8 *arguendo* that there is some overlap, Judge Hixson has already issued two orders, one denying
9 Movants' request for an expedited briefing schedule and the second finding that transfer to the
10 Southern District of New York Bankruptcy Court is appropriate. *See In re Subpoena to Reddit,*
11 *Inc.*, No. 3:24-mc-80005-TSH (N.D. Cal.), Docs. ##4-5. As Judge Hixson has already analyzed
12 the briefing and reviewed an order from the underlying case in the Bankruptcy Court, there is no
13 burdensome duplication of labor. Indeed, there would be a burden if Reddit's motion was granted
14 because Your Honor would have to duplicate Judge Hixson's labor in reviewing the Movants'
15 brief and the Bankruptcy Court Order.

16 ***D. There will not be conflicting results if Judge Hixson decides the motion.***

17 7. Because the subpoena at issue in the latter case does not request Reddit user identification
18 information or any information for the Reddit users at issue in this closed case, Your Honor's
19 order that First Amendment rights outweighed the disclosure of anonymous users' identities at
20 issue in this case is not applicable. That is, *if* Judge Hixson was to grant an order in the latter case
21 compelling Reddit to comply with the subpoena and disclose IP address information, such an
22 Order would not involve disclosure of the subscribers' identities or disclosure of any information
23 for the Reddit users in this closed case. Thus, there is no likelihood of conflicting results.

24 ***E. Civil L.R. 3-12 does not apply to miscellaneous cases.***

8. Civil L.R. 3-12 reflects the reasonable policy that civil actions filed in this district on the same subject matter between the same parties should not be decided by different judges. This policy is not applicable to the present situation where in the present closed case and the latter case, movants seek to enforce compliance with different Rule 45 subpoenas in different underlying cases. Notably, movants in the latter case are not seeking to enforce another subpoena for the same information again. Thus, the present situation is completely different from that set forth in Civil L.R. 3-12 which is applicable to civil actions. Indeed, Civil L.R. 3-12(g) sets forth the process for rescheduling the case management conference for a reassigned case. But there are no case management conferences for miscellaneous actions that merely seek to enforce compliance with subpoenas issued in a different district. Accordingly, Civil L.R. 3-12 is not applicable to miscellaneous cases involving different subpoenas.

III. CONCLUSION

9. This closed action and the latter action involve substantially different parties and substantially different subpoenas. There will be no duplication of labor because Judge Hixson has already issued rulings based upon the motion to compel. Further, there is no likelihood of conflicting results because the subpoena in the latter case does not request identification information. Accordingly, Movants pray that this Court deny Reddit's administrative motion.

DATED: Kailua Kona, Hawaii, Jan. 20, 2024.

Respectfully submitted,

CULPEPPER IP, LLLC

/s/ Kerry S. Culpepper

Kerry S. Culpepper
Attorney for Plaintiffs
Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was filed via ECF and therefore served to parties on the NEF list.

The undersigned hereby further certifies that he lodged with Judges Hixson (via below address) and Beeler (via lbpo@cand.uscourts.gov) a true and correct copy of the foregoing.

Judge Thomas S. Hixson

San Francisco Courthouse, Courtroom E – 15th Floor

450 Golden Gate Avenue, San Francisco, CA 94102

DATED: Kailua Kona, Hawaii, Jan. 20, 2024

Respectfully submitted,

CULPEPPER IP, LLLC

/s/ Kerry S. Culpepper

Kerry S. Culpepper

Attorney for Plaintiffs

Admitted Pro Hac Vice